

# Order

Michigan Supreme Court  
Lansing, Michigan

November 2, 2011

Robert P. Young, Jr.,  
Chief Justice

143123

Michael F. Cavanagh  
Marilyn Kelly  
Stephen J. Markman  
Diane M. Hathaway  
Mary Beth Kelly  
Brian K. Zahra,  
Justices

Estate of DARRYL HOUSTON PRICE.

---

NASTASSIA PRICE and ERIN DUFFY-PRICE,  
Personal Representatives of the Estate of Darryl  
Houston Price,  
Plaintiffs,

v

SC: 143123  
COA: 295212  
Ingham CC: 06-000228-NZ

LORI JEAN KOSMALSKI and TRADE  
DEVELOPMENT COMPANY, a/k/a TRADE  
WORLD COMPANY, INC.,  
Defendants,

and  
Estate of RUDAFORD R. STERRETT, JR.,  
Defendant-Appellee,

and  
THOMAS WOODS, Receiver,  
Appellee,

and  
DART BANK,  
Intervening Defendant-Appellant.

---

On order of the Court, the application for leave to appeal the April 12, 2011 judgment of the Court of Appeals is considered, and it is GRANTED. The parties shall address: (1) whether a mortgagee must affirmatively consent to the appointment of a receiver to be required to pay the receiver's costs and fees; (2) whether the statutory right of first priority belonging to the holder of the recorded mortgage, MCL 600.3236, overrides the common-law rule that a receiver's costs and fees are entitled to first priority; and (3) whether a mortgagee must actually benefit from the incurred expenses or whether a mortgagee can be required to pay for expenses that did not benefit it.

The Michigan Association of Realtors, the Michigan Chamber of Commerce, and the Real Property Law Section of the State Bar of Michigan are invited to file briefs amicus curiae. Other persons or groups interested in the determination of the issues presented in this case may move the Court for permission to file briefs amicus curiae.



p1026

I, Corbin R. Davis, Clerk of the Michigan Supreme Court, certify that the foregoing is a true and complete copy of the order entered at the direction of the Court.

November 2, 2011

*Corbin R. Davis*

Clerk